IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 3332 of 2006()

CRA.768/2005 of III ADDL.SESSIONS COURT, KOLLAM
CC.500/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

.....

REVN. PETITIONER/APPELLANT/ACCUSED

DR.RADHA MOHAN, PROPRIETOR,
MATHA PHARMA, KAILAS EZHUKONE,
KOTTARAKKARA.

BY ADV. SRI.P.B.SURESH KUMAR
ADV. SRI.S.M. ALTHAF

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE
---

1. SATHEESH MOHAN.K.S., AYODHYA,
KIZHAKKEKARA MURI, KOTTARAKKARA.

2. STATE OF KERALA,
REPRESENTED BY PUBLICE PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV. SHRI KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

.....

CRL. R.P. 3332 OF 2006

.....

Dated this the 24th November , 2006

O R D E R

In the manner in which I propose to dispose of this Crl.Revision Petition, I do not think it is necessary to issue notice to the first respondent/ complainant as no interference is being made in the conviction.

2. The trial court found the petitioner guilty of the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for one year . He was also directed to pay compensation of Rs.Two lakhs under section 357 (3) of the Code of Criminal Procedure and in default of payment compensation, to undergo simple imprisonment for one year. On appeal by the petitioner, the appellate court confirmed the conviction and sentence.

3. Learned counsel for the petitioner submits that the petitioner is prepared to pay compensation amount. At present, according to the counsel for the petitioner, the petitioner is not in a position to raise funds

to pay compensation and that six months' time is required to pay compensation. It is also submitted that the sentence is excessive . Considering the facts and circumstances of the case and nature of the offence, I am of the view that the sentence can be reduced to imprisonment till the rising of the court and four months' time can be granted to the petitioner to pay compensation .

4. In the result, the Crl. Revision Petition is disposed of in the following manner:

i) Conviction is confirmed.

ii) Sentence of imprisonment is reduced to imprisonment till the rising of the court.

iii) The direction to pay compensation of Rs. Two lakhs is confirmed. However, the petitioner is granted four months' time to pay compensation.

iv) In default of payment of compensation, the petitioner shall undergo simple imprisonment for a period of three months. To that extent, the sentence is modified.

The petitioner shall appear before the trial court on 14.12.2006 to serve imprisonment till the rising of the court and shall continue to appear before the trial court as may be directed by the trial court till the amount of compensation is paid.

K.T. SANKARAN,
JUDGE.

lk